



Paper No. 8

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AUG 24 2001

In re Application of  
Valentine et al.  
Application No. 09/742,472  
Filed: December 20, 2000  
Attorney Docket No. DEM1P002

DECISION GRANTING OFFICE OF PETITIONS  
PETITION

This is a decision on the petition filed on May 17, 2001, in effect requesting that Notices to File Missing Parts of Nonprovisional Application ("Notices"), mailed on May 3 and May 11, 2001 for the above-identified application, be partially withdrawn to the extent that they refer to omitted figures.

The petition is GRANTED.

The application was filed on December 20, 2000. However, on May 3 and May 11, 2001, the Initial Patent Examination Division (OIPE) mailed the Notices advising Applicants that the oath or declaration was missing, and that Figures 12A and 12B described in the specification appeared to have been omitted from the filed application.

In response, the present petition was filed. Petitioners contend that 18 sheets of drawings including the allegedly omitted Figures 12A and 12B were filed along with the other application papers on December 20, 2000.

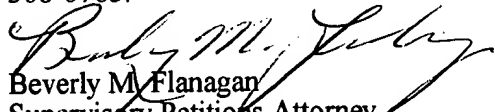
The sheet of drawings containing Figures 12A and 12B, filed on December 20, 2000, has been located in the Office file for this application. The petition is thus granted.

The Notices mailed on May 3, 2001 and May 11, 2001 are hereby partially withdrawn to the extent that they refer to omitted figures. A Notice of Incomplete Reply, mailed on June 12, 2001 and referring to omitted Figures 12A and 12B, is also withdrawn.<sup>1</sup>

The \$130 petition fee has been credited to Deposit Account No. 50-0388 as authorized.

The application is being forwarded to Technology Center 2100 for further processing.

Telephone inquiries concerning this matter may be directed to Petitions Attorney RC Tang at (703) 308-0763.

  
Beverly M. Flanagan  
Supervisory Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

<sup>1</sup> On 5/21/01, subsequent to the filing of the present petition, Applicants responded to the 5/3/01 Notice by submitting a signed declaration and the requisite surcharge. On 6/12/01, OIPE mailed a Notice of Incomplete Reply, stating that Figures 12A and 12B were not included in the 5/21/01 response. The 6/12/01 Notice erroneously indicated that the response had been filed on 5/17/01, and that the oath or declaration was missing.

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>8/16/01</u>		2 Serial/Patent # <u>09/142,472</u>									
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<u>5/3/01 Notice re omitted figures was PTO error</u>											
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